

Laurentiu Paul Pascu

Houston, TX

May 27, 2010

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1 AMERICAN ARBITRATION ASSOCIATION

2 DALLAS, TEXAS

3 TRICON ENERGY, LTD., \*

4 CLAIMANT, \* CASE NO.

5 VS. \* 70 198Y 00168 09

6 VINMAR INTERNATIONAL, LTD., \*

7 RESPONDENT. \*

8 \*\*\*\*\*

9 ORAL AND VIDEOTAPED DEPOSITION OF

10 LAURENTIU PAUL PASCU

11 MAY 27TH, 2010

12 \*\*\*\*\*

13 ORAL AND VIDEOTAPED DEPOSITION OF LAURENTIU PAUL

14 PASCU, produced as a witness at the instance of the

15 Claimant, and duly sworn, was taken in the above-

16 styled and numbered cause on the 27th day of May,

17 2010, from 9:10 a.m. to 11:07 a.m., before Bobbie

18 Showers, CSR, in and for the State of Texas, reported

19 by machine shorthand, at the offices of Porter &

20 Hedges, LLP, 1000 Main Street, 36th Floor, Houston,

21 Texas, pursuant to the Rules of Conciliation and

22 Arbitration of the American Arbitration Association

23 and the provisions stated on the record or attached

24 hereto.

25



Alderson Reporting Company  
1-800-FOR-DEPO

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1 THE VIDEOGRAPHER: Today is May 27th, 2010.

2 This is the deposition of Laurentiu Pascu, in the  
3 matter of Tricon Energy versus Vinmar International.

4 We are on record at 9:10.

5 Will counsel please state their  
6 appearances.

7 MR. DIAZ-ARRASTIA: George Diaz-Arrastia for  
8 Tricon.

9 MR. LEE: Stephen Lee for Vinmar.

10 And, for the record, Vinmar is  
11 presenting this witness subject to and without waiver  
12 of its continuing objection to arbitration.

13 LAURENTIU PAUL PASCU,  
14 was called as a witness and, being first duly sworn,  
15 testified as follows:

16 EXAMINATION

17 BY MR. DIAZ-ARRASTIA:

18 Q. Sir, could you state your full name for the  
19 record, please.

20 A. Laurentiu Paul Pascu.

21 Q. Mr. Pascu, have you ever given a deposition  
22 before today?

23 A. No.

24 Q. Let me just go over a couple of ground rules  
25 to help today's process go a little better. As you

1 Q. Okay. And he tells Mr. Anaya:

2 "Re: Origin, We won't know until we  
3 declare discharge port."

4 A. Okay.

5 Q. "Most likely USG."

6 A. Okay.

7 Q. Do you remember getting that?

8 A. I should have got this email.

9 (Exhibit Nos. 32 and 33 marked for  
10 identification)

11 BY MR. DIAZ-ARRASTIA:

12 Q. Okay. Mr. Pascu, if you would look now at  
13 the documents that have been marked 32 and 33, can  
14 you tell me what those are?

15 A. This is the data shown by our system, SAP.

16 Q. Okay. What is the difference between Exhibit  
17 No. 32 and Exhibit No. 33, if there is any?

18 A. I don't know. Do you want me to --

19 Q. Can you see any difference? I could not see  
20 any difference, but it's not my system.

21 A. I mean, at the first view, I cannot see any  
22 difference.

23 MR. LEE: George, let me, just to maybe help  
24 speed this along a little bit, I'll tell you what this  
25 is. The first page, y'all had asked about the columns

1 BY MR. DIAZ-ARRASTIA:

2 Q. Okay, Mr. Pascu, let's take a look now at  
3 Exhibit 36.

4 A. Okay.

5 Q. It appears to be an email from you to Rick  
6 Wilson. Is that correct, sir?

7 A. It appears to be, yes.

8 Q. And it's dated July 29th, 2008, at  
9 11:54 a.m.?

10 A. Okay.

11 Q. And the subject is PO 4529980, 5,000 metric  
12 tons of MX. Correct?

13 A. Correct.

14 Q. That is, by the way, the same subject line as  
15 you used in Exhibit 34, the email to Vuk Rajevac.

16 Correct?

17 A. You are asking me whether the same subject --

18 Q. Same subject line.

19 A. -- line as -- okay, yes.

20 Q. Okay. And you tell Mr. Wilson:

21 "Please find my comments on this sale  
22 contract."

23 Correct?

24 A. Correct. It's written this way, yes.

25 Q. Yes. It appears to me that what you are

1 sending Mr. Wilson with your email on July 29th, 2008,  
2 at 11:54 is what you also sent Mr. Rajevac later in  
3 that day. Is that correct? Your comments on this  
4 sales contract?

5 A. It appears to be, yes.

6 Q. Okay. So just before noon on July 29th, you  
7 had shown Mr. Wilson the comments that you later gave  
8 to Vuk Rajevac at 4:00 in the afternoon the same day?

9 A. It appears to be, yes.

10 Q. Okay Did Mr. Wilson approve those comments  
11 before you sent them to Mr. Rajevac?

12 A. I don't remember.

13 Q. Would you have sent them to Mr. Rajevac, if  
14 Mr. Wilson had not approved them?

15 A. The comments that I've done on that paper are  
16 logistics terms. I don't remember whether I have  
17 discussed with Rick or not, but given that I have sent  
18 this, it means that I found that these terms, logistic  
19 terms, should be in line as for giving the feedback  
20 to.

21 Q. Well, you told me earlier that it is the  
22 trader's responsibility ultimately to approve what  
23 goes out. Is that correct?

24 A. I told you that the trader is supposed to  
25 agree on all the commercial terms for the area, that

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10 REPORTER'S CERTIFICATION TO THE DEPOSITION OF

11 LAURENTIU PAUL PASCU

12 MAY 27TH, 2010

13 \*\*\*\*\*

14 I, Bobbie Showers, Certified Shorthand Reporter in and  
15 for the State of Texas, hereby certify to the  
16 following:

17 That the witness, LAURENTIU PAUL PASCU, was duly  
18 sworn by the officer and that the transcript of the  
19 oral deposition is a true record of the testimony  
20 given by the witness;

21 That the original deposition transcript was  
22 delivered to Porter & Hedges;

23 That a copy of this certificate was served on all  
24 parties and/or the witness shown herein on \_\_\_\_\_

25 June 11, 2010.

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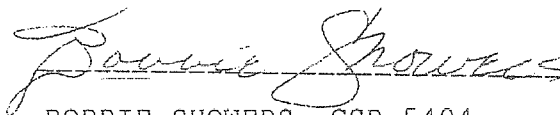
1 I further certify that pursuant to the Rules of  
2 the American Arbitration Association that the  
3 signature of the deponent:

4 X was requested by the deponent or a party  
5 before the completion of the deposition and that  
6 signature is to be before any notary public and  
7 returned within 30 days of receipt of the transcript.  
8 If returned, the attached Changes and Signature Page  
9 contains any changes and the reasons therefor;

10 was not requested by the deponent or a party  
11 before the completion of the deposition.

12 I further certify that I am neither counsel for,  
13 related to, nor employed by any of the parties or  
14 attorneys in the action in which this proceeding was  
15 taken, and further that I am not financially or  
16 otherwise interested in the outcome of the action.

Certified to by me this 3rd day of June, 2010.

17  
18  
19 

20 BOBBIE SHOWERS, CSR 5404

21 ALDERSON REPORTING COMPANY, INC.

1155 CONNECTICUT AVENUE, NW, SUITE 200

22 WASHINGTON, DC 20036

23 Telephone: 1.800.FOR.DEPO

24 Fax: 202.289.2221

25 Email: Bobbieshowers@att.net

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1 COUNTY OF HARRIS )

2 STATE OF TEXAS )

3 I hereby certify that the witness was notified on  
4 June 11<sup>th</sup>, 2010 that the witness has 30 days or (days per  
5 agreement of counsel) after being notified by the  
6 officer that the transcript is available for review by  
7 the witness and if there are any changes in the form  
8 or substance to be made, then the witness shall sign a  
9 statement reciting such changes and the reasons given  
10 by the witness for making them;

11 That the witness' signature was/was not returned  
12 as of \_\_\_\_\_.

13 Subscribed and sworn to on this, the 11<sup>th</sup>  
14 day of June, 2010.

15  
16 

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